

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	GANAPATHY et al.)	Group Art Unit:	1646
)		
Serial No.:	10/718,359)	Examiner:	Michael D. Pak
Confirmation No.:	3660)		
)		
Filed:	November 20, 2003)		
)		
For:	NaCT AS A TARGET FOR LIFESPAN EXPANSION AND WEIGHT REDUCTION)		

INTERVIEW SUMMARY

Commissioner for Patents
Mail Stop Amendment
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

A telephonic interview was held between Primary Patent Examiner Michael Pak and Applicants' Representative, Nancy Johnson, on March 5, 2009, in which the Final Office Action mailed February 20, 2009, was discussed. Specifically, substantial errors in the Final Office Action were discussed.

For example, it was discussed that although claims 84-92 are identified as allowed (see paragraph 4 of the Final Office Action mailed February 20, 2009), they are also included in the rejection of the claims under 35 U.S.C. 112, first paragraph (see page 2 of the Final Office Action mailed February 20, 2009). The Examiner agreed that claims 84-92 were incorrectly included in rejection of the claims, and agreed that a corrected, replacement Office Action would be mailed. This is reflected in the Examiner Interview Summary, mailed March 9, 2009.

The inclusion of claims 84-87, 90-95, 98, 99, 103-106, 110-113, 121-128, and 133-136 in the rejection under 35 U.S.C. 112, first paragraph, new matter rejection, for the recitation "amino acids 500 to 520," was also discussed. Applicants noted that claims 84-87, 90-95, 98, 99, 103-

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106, 110-113, 121-128, and 133-136 do not include this recitation and do not depend from claims that include this recitation. The Examiner agreed that the claims had been incorrectly rejected and agreed that a corrected, replacement Office Action would be mailed.

In this interview, Applicants also requested clarification of the status of claims 93, 103-105, 110-112, 121-126, and 133-135, all of which depend from allowable claims 84-92. The Examiner agreed that this issue would be clarified in the corrected, replacement Office Action.

Further, in this interview, Applicants directed the Examiner to page 126, lines 24-27 of the specification, which provides support for the recitation "amino acids 500 to 520." The Examiner agreed that the specification provides support for the recitation "amino acids 500 to 520" and agreed that a replacement, corrected Office Action would be mailed. This is reflected in the Examiner Interview Summary, mailed March 9, 2009.

Applicants submit that the Interview Summary Statement mailed by the Examiner on March 9, 2009, clearly states that a new office action will be mailed by the Examiner.

Applicants have repeatedly contacted the Examiner to discuss the status of preparing and mailing this corrected, replacement Office Action. In addition to many phone messages, follow up telephonic interviews were held with the Examiner on May 13, 2009, and July 9, 2009. In both of these telephonic interviews, the Examiner reassured the Applicant that he would be preparing and mailing a corrected, replacement Office Action.

Thus, Applicants submit that the Examiner has repeatedly informed the Applicant that the Final Office Action mailed February 20, 2009, would be replaced by the mailing of a corrected, replacement Office Action. As of the date of this communication (July 31, 2009), no corrected Office Action has been mailed by the U.S. Patent and Trademark Office. Applicants adamantly, yet respectfully, request the preparation and mailing of a corrected Office Action before the six month statutory date of August 20, 2009, set by the to be replaced Final Office Action mailed February 20, 2009.

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Summary

The preparation and mailing of a corrected, replacement Office Action, prior to August 20, 2009, is respectfully requested. The Examiner is invited to contact Applicants' Representatives at the telephone number listed below if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted

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July 31, 2009

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CERTIFICATE UNDER 37 CFR §1.6:

The undersigned hereby certifies that this paper is being transmitted via the U.S. Patent and Trademark Office electronic filing system in accordance with 37 CFR §1.6(a)(4) to the Patent and Trademark Office addressed to the Commissioner for Patents, Mail Stop Amendment, P.O. Box 1450, Alexandria, VA 22313-1450, on this 31 day of July, 2009.

By: Sandy Truehart

Name: Sandy Truehart